C/Filed

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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No 2539/2004

PETITIONER

Dinesh Kumar Sonkusare,
S/o Preetam Das,
aged about 31 years,
Occupation- Service,
Working as Junior Sericulture
Inspector, Chivrakuta, R/o Tikarapara,
Basna, District- Mahasamund (C.G.).

P. R. No. 2533/04
Presented by Shri A.C. Bhagat
dated 11-8-04

- Versus-

RESPONDENTS :

1. State of Chhattisgarh,
Through Special Secretary, Department
of Rural Industry, Mantralaya, Shastri
Chowk, Raipur (C.G.).
2. Chhattisgarh Khadi Avam Gram Udyog
Board (Hasth Shilp Prakostha) through its
Managing Director, Subhadra Niwas,
Choubey Colony, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT OF CERTIORARI, MANDAMUS OR ANY OTHER WRIT OR DIRECTION TO DO JUSTICE IN THE MATTER.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2539 of 2004

Petitioner Dinesh Kumar Sonkusare

Versus

Respondents State of Chhattisgarh and another

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Prashant Jayaswal, Senior Advocate with Shri Ali Asgar, Advocate for the petitioner.

Shri Ajay Dwivedi, Panel lawyer for the respondents/State.

ORAL ORDER

(18th April, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner was appointed as Junior Sericulture Inspector in the Industries Department vide order dated 28.6.97/8.7.1997 (Annexure P/2) in the category of Scheduled Tribe on the basis of the caste certificate produced by the petitioner that he belongs to 'halba' tribe.

2. Some complaints were made to the Government against several persons, including the petitioner, that they have been appointed on the basis of false caste certificates, produced by them. On the basis of the said complaints, the State Government by letter dated 22.6.2004 (Annexure P/8) directed all the concerned officers, not to consider the cases of such candidates, against whom complaints with regard to false caste certificate is pending, for promotion to the higher post.

3. The petitioner has filed this petition praying that the pending enquiry, the petitioner has acquired right to be considered for promotion to the higher post. At this stage the petitioner seeks permission of this Court

to withdraw this petition with liberty to question the action of the State Government as and when occasion arises. It is further submitted that the State Government be directed to conclude the enquiry as early as possible because the petitioner is being deprived of his right for consideration to promotion.

4. In view of the foregoing, this petition is dismissed as withdrawn, with reserving liberty to the petitioner to take appropriate steps as and when cause of action arises. The Respondent/State is directed to complete the enquiry, as early as possible, preferably within a period of three months from the date of receipt of copy of this order, as the impugned order was passed on 22.6.2004, directing the concerned officers not to consider the cases of those candidates against whom complaints with regard to false caste certificate is pending. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu